

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application.

Claims 1 and 14 have been amended, solely to expedite prosecution. Claims 17-22 are currently withdrawn. Claims 1, 3, and 5-23 are currently pending. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Substance of the Interview:

The Applicant appreciates the courtesy extended to Applicant's representative, Leigh D. Thelen, by Examiner Larson during the telephone interview conducted on July 14, 2011. Below is the Applicant's statement of the substance of the interview.

- (A) Exhibit shown or demonstration conducted: None.
- (B) Claims discussed: Claim 1.
- (C) Specific prior art discussed: U.S. Patent No. 4,792,180 to Jacobsen et al.
- (D) Principal proposed amendments of a substantive nature discussed: The Applicant proposed to amend claim 1 to structurally define the adaptation of the fixing member to attach to a load carrier.
- (E) Principal arguments of the applicant and the examiner: After considering the proposed claim amendment, the Examiner suggested to amend claim 1 to include an element, or the like, disposed on an upper surface of the fixing member to attach to a load carrier.
- (F) Any other pertinent matters discussed: None.

(G) General results or outcome of the interview: The Examiner indicated that a positive recitation of the fixing member including an element on a top surface for attaching a load carrier may overcome the prior art.

Claim Rejections under 35 U.S.C. § 102:

The Office Action rejected claims 1, 3, 5-11, 13-16, and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,792,180 to Jacobsen et al. (“Jacobsen”). The Applicant traverses this rejection. Claims 1 and 14 have been amended, solely to expedite prosecution. These claim amendments are supported by, at least, page 9, lines 4-11 of the specification, as well as FIG. 4. The Applicant submits that independent claims 1 and 14 are patentable over Jacobsen for at least the following reasons.

Jacobsen does not disclose “wherein the fixing member includes an element on a top surface for attaching a load carrier,” as recited by claims 1 and 14. The Office Action apparently aligns the “molding 42” of Jacobsen’s FIG. 2 with the “fixing member” of claims 1 and 14. However, the molding 42 of Jacobsen does not include an element on a top surface for attaching a load carrier, as claimed. Rather, the molding 42 of Jacobsen is a plastic molding for concealing the flanged attachment of adjacent vehicle body panels and for filling the roof gap between such panels. (See Jacobsen at Abstract; Column 1, Lines 15-24 and 39-41; Column 2, Lines 37-41; and FIGs. 1 and 2). Nowhere does Jacobsen disclose an element on a top surface of molding 42 for attaching a load carrier. Thus, Jacobsen does not disclose “wherein the fixing member includes an element on a top surface for attaching a load carrier,” as recited by claims 1 and 14.

For at least these reasons, claims 1 and 14 are not anticipated by Jacobsen. Claims 3, 5-11, 13, and 23 depend variously from independent claim 1, and are patentable for at least the same reasons. Claims 15 and 16 depend from independent claim 14, and are patentable for at least the same reasons. The Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Claim Rejections under 35 U.S.C. § 103:

The Office Action rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Jacobsen in view of U.S. Patent No. 4,904,328 to Beecher et al. ("Beecher"). Claim 12 depends from independent claim 1, and is patentable for at least the same reasons discussed above with respect to claim 1. Beecher does not remedy the deficiencies of Jacobsen. The Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Conclusion:

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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